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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

NGUYEN, NGA B

ART UNIT PAPER NUMBER

3692

DATE MAILED: 10/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/851,956

Applicant(s)

CHALLENGER, DAVID CARROLL

Examiner

Nga B. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is the answer to the communication filed on June 29, 2006, which paper has been placed of record in the file.
2. Claims 1-27 are pending in this application.

Response to Arguments/Amendment

3. Applicant's arguments with respect to claims 1-27 have been considered but are not persuasive.

In response to the applicant's arguments that the cited reference does not teach every elements in the claims, examiner submits that the cited reference does teach every elements in the claims (see details and explanation below).

In conclusion, examiner decides to maintain the previous rejection and make this Office action FINAL.

4. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Trusted Computing Platform Alliance (TCPA), TCPA Design Philosophies and Concepts, Version 1.0.

Regarding to claims 1-2, TCPA discloses a method and a computer program product adaptable for storage on a computer readable medium, comprising the steps of (see the entire document, pages 1-30):

a non-migratable key, a first certificate by a Trusted Platform Module (TPM) identity associated with a computer system used by the customer (see page 9, 2.5.1, *the TPM contains a private endorsement key, the Owner makes available the endorsement credential the platform credential and the conformance credential*), and a second certificate acquired by the computer system from a Certification Authority (CA) (see page 7, 2.4.1.1 and 2.4.1.2, *the CA enables determination of the identity of an entity by providing a certificate that binds the identity label of an entity*);

creating a public/private key pair and a third certificate in response to the

receiving step (see page 8, 2.4.1.7); and

sending the public/private key pair and the third certificate to the customer over the network (see page 10).

TCPA does not disclose receiving from a customer over a network an application for a credit card authorization and the customer is capable of using the public/private key pair and the third certificate to make purchases over the network. However, receiving from a customer over a network an application for a credit card authorization and the customer is capable of using the public/private key pair and the third certificate to make purchases over the network are well known in the art. For example, the conventional electronic commerce allows the user purchases products over the Internet using a credit card, the user submits purchase request include credit card information, the credit card information is then transmitted to the credit card company for verifying and authorizing the purchase request. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to apply the method of TCPA above for the purpose improving the security in purchasing products using credit card over the Internet.

Regarding to claims 3-5, TCPA further discloses wherein the TPM identity is a public/private key pair created as a result of a command by the customer input into the computer system, wherein the second certificate is created by the Certification Authority in response to receiving a third certificate signed by a manufacturer of the TPM and a public key of the TPM identity, wherein the third certificate is associated with an endorsement key of the TPM (see pages 9-10).

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Regarding to claim 6, TCPA does not disclose wherein the network is the Internet. However, it is well known in the art that the customer can purchase products using credit card over the Internet (see details explanation in claims 1-2 above).

Claims 7-24 contain similar limitations found in claims 1-6 above, therefore, are rejected by the same rationale.

Regarding to claim 25, TCPA discloses a system comprising (see the entire document, pages 1-30):

a server (*see page 27, 2.12.2, Privacy CA*);

a customer computer including a TPM (*see page 27, 2.12.2, Owner*);

a network linked to the server and the customer computer (*see page 15, an example of integrity mechanisms in a PC Subsystem, the application sent to network*);

first software stored in memory in the customer computer for requesting the TPM to create a TPM identity (*see page 27, 2.12.2, Owner*);

second software stored in memory in the customer computer for obtaining a first certificate over the network from a CA (*see page 27, 2.12.2, Owner*);

third software stored in memory in the customer computer for creating a non-migratable key (*see page 9, 2.5.1, the TPM contains a private endorsement key, the Owner makes available the endorsement credential the platform credential and the conformance credential*);

sixth software stored in memory in the customer computer for sending to the server the TPM identity, the first certificate, and the non-migratable key (*see page 27, 2.12.2, Owner*);

the server creating a public/private key pair and a second certificate (*see page 8, 2.4.1.7*); and

the server sending the public/private key pair and the second certificate over the network to the customer computer (*see page 10*).

TCPA does not disclose a server supporting a web site of a credit card company; fourth software stored in memory in the customer computer for browsing the web site of the credit card company over the network; fifth software stored in memory in the customer computer for sending an application for a credit card authorization to the web site of the credit card company over the network. However, such features are well known in the art. For example, the conventional electronic commerce allows the user purchases products over the Internet using a credit card, the user having a computer system storing browser software, e.g. Netscape, Internet Explorer, can submits purchase request include credit card information, the credit card information is then transmitted to the credit card company having a web site for verifying and authorizing the purchase request. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to apply the method of TCPA above for the purpose improving the security in purchasing products using credit card over the Internet.

Claims 26-27 contain similar limitations found in claim 25 above, therefore, are rejected by the same rationale.

Conclusion

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7. Claims **1-27** are rejected.
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Nga B. Nguyen whose telephone number is (571) 272-6796. The examiner can normally be reached on Monday-Thursday from 9:00AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Souh can be reached on (571) 272-6799.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-3600.

9. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

C/o Technology Center 3600

Washington, DC 20231

Or faxed to:

(571) 273-8300 (for formal communication intended for entry),

or

(571) 273-0325 (for informal or draft communication, please label "PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to Knox building, 501 Dulany Street, Alexandria, VA, First Floor (Receptionist).

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Nga Nguyen

NGA NGUYEN
PRIMARY EXAMINER

September 15, 2006